

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

SAN MIZRAHI,

Plaintiffs,

vs.

COMMISSIONER OF SOCIAL SECURITY
ADMINISTRATION,

Defendants.

Case No. 2:12-cv-00285-KJD-GWF

ORDER

Plaintiff's Application to Proceed in
Forma Pauperis (#1)

This matter comes before the Court on Plaintiff's Application to Proceed in Forma Pauperis (#1), filed on February 22, 2012. Plaintiff requests the Court allow him to proceed *in forma pauperis* based on his inability to pay the filing fee. Pursuant to 28 U.S.C. § 1914(a), a filing fee of \$350.00 is required to commence a civil action in federal district court. The court may authorize the commencement of an action without prepayment of fees and costs or security therefor, by a person who submits an affidavit that includes a statement showing the person is unable to pay such costs. 28 U.S.C. § 1915(a)(1).

Upon review of Plaintiff's Application (#1), the Court finds that Plaintiff is unable to pay the filing fee. Plaintiff will therefore be allowed to proceed *in forma pauperis* in this matter. Upon granting a request to proceed *in forma pauperis*, a court must additionally screen a complaint pursuant to 28 U.S.C. § 1915(e). Plaintiff however has failed to file a complaint with his application. Instead, Plaintiff attached a summons, civil cover sheet and certificate of interested parties. The summons and certificate of interested parties are premature as this case cannot proceed forward until the Court has screened Plaintiff's complaint. The Court will therefore give Plaintiff 14 days from the date of this order to file his complaint, which will then be subject to screening pursuant to U.S.C. § 1915(e).

1 The Court additionally notes that attorney Marc Kalagian made an appearance on behalf of
2 Plaintiff. Mr. Kalagian is a Nevada licensed attorney, but does not maintain an office in Nevada.
3 Pursuant to LR IA 10-1(b), a Nevada licensed attorney who does not maintain an office in Nevada
4 “shall either associate a licensed Nevada attorney maintaining an office in Nevada or designate a
5 licensed Nevada attorney maintaining an office in Nevada, upon whom all papers, process, or pleadings
6 required to be served upon the attorney may be so served.” Mr. Kalagian shall have 14 days from the
7 date of this order to comply with LR IA 10-1(b). Accordingly,

8 **IT IS HEREBY ORDERED** that Plaintiff’s Application to Proceed In Forma Pauperis is
9 **granted**. Plaintiff shall be allowed to proceed without the payment of the \$350 filing fee.

10 **IT IS FURTHER ORDERED** that Plaintiff shall have **14 days** from the date of this order to
11 file his complaint, which will then be subject to screening pursuant to U.S.C. § 1915(e).

12 **IT IS FURTHER ORDERED** that Plaintiff’s counsel, Mr. Kalagian, shall have **14 days** from
13 the date of this order to comply with LR IA 10-1(b).

14 DATED this 27th day of June, 2012.

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17 GEORGE FOLEY, JR.
18 United States Magistrate Judge
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